

**REMARKS**

Claims 1-14 are pending in this application after this Amendment. Claims 2-9 are withdrawn from consideration. Claims 1 and 10 are independent. In light of the remarks contained herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1 and 10 under 35 U.S.C. § 103(a) as being unpatentable over *Kikuzawa et al.* (USP 5,684,919) in view of *Ejima et al.* (USP 5,070,405). Applicant respectfully traverses this rejection.

In Applicant's Reply filed July 8, 2005, Applicant argued that neither of the references, either alone or in combination, teach or suggest an image file create device for creating an image file containing the image data outputted from the imagining device and data representing the photometry values for each of the sections outputted from the photometry device. Applicant argued that *Kikuzawa et al.* would not incorporate the divisional photometry, e.g. the light metering of *Ejima et al.* for the portions of an image, as *Kikuzawa et al.* is directed at the recordation and control of video signals. The Examiner's attention is respectfully directed to pages 8 and 9 of Applicants Reply filed July 8, 2005.

In response to this argument, the Examiner cites to the *Kikuzawa et al.* disclosure asserting that *Kikuzawa et al.* teaches the video area 46 being used for storing the video signals. The Examiner further asserts that *Ejima et al.* is used for teaching divisional photometry.

Applicant maintains that the combination of the cited references fails to teach or suggest an image file create device for creating an image file containing data representing the photometry values for each of the sections outputted from the photometry device.

The disclosure of *Ejima et al.* is directed to an electronic still camera with multi-area light metering and grey scale modification. *Ejima et al.* discloses that the light metering member 21 is comprised of 5 light metering elements 21a-21e to light meter the object to be photographed in five divisions. The outputs of the light metering elements are amplified by the amplifiers and logarithmically compressed and are converted into digital signals by A/d converters 23a-23e and input to the central calculation processing portion 10. When the difference between the greatest output and the smallest output among them, i.e. the difference in quantity of light, is greater than the maximum value prestored in the central calculation processing portion 10, it is judged that the difference in the quantity of light of the object is great and the switch 20b is closed and other switches 20c and 20d are opened so that the contour enhancing process may be carried out by the first contour enhancement circuit 20e of the smallest contour enhancement degree (column 5, lines 61 – column 6, line 23).

However, there is no teaching or suggestion in *Ejima et al.* that is directed to storing the output of the light metering elements for use after the photograph is taken. Further, the camera information referred to by the Examiner is merely directed to information representing an operating state of the camera in *Kikuzawa et al.* All this information is discussed in column 3, lines 19-30, where *Kikuzawa et al.* describes camera information as whether the exposure is automatic or manual, whether the white balance is automatic or manual, whether the focusing is

automatic or manual and what the positioning of the focusing lens is, what the position of the zooming lenses are and how fast the shutter speed is set. As such, *Kikuzawa et al.* does not suggest storing the type of information that is taught by *Ejima et al.* As such, the Examiner's combination of this data with the teachings of *Kikuzawa et al.* is improper.

For the reasons set forth above, Applicant maintains that neither of the references teach or suggest, either alone or in combination, (assuming that these references are combinable, which Applicant does not admit), an image file create device for creating an image file containing data representing the photometry values for each of the sections outputted from the photometry device. Further, Applicant maintains that there is no motivation to combine the teachings of the references, as neither of the references would suggest storing this type of information.

Finally, Applicant maintains that the teachings of the cited references are not properly combinable. The teachings of *Kikuzawa et al.* is directed to a recording apparatus for a video signal and a control information indicative of a control state of a video camera. In contrast, *Ejima et al.* is directed to an electronic still camera with multi-area light metering and grey-scale modification. Applicant maintains that one skilled in the art would not be motivated to look to the teachings of *Ejima et al.* namely an electronic still camera to modify the teachings of a video tape recorder as suggested by the Examiner.

For all the reasons set forth above, Applicant maintains that claim 1 is not obvious over the references as cited. Further, Applicant maintains that new dependent claim 13 is allowable for the reasons set forth above with regard to claim 1, at least based upon its dependency on

claim 1. Applicant further maintains that independent claim 10 contains elements similar to those discussed above with regard to claim 1 and thus claim 10, together with claims dependent thereon, are not obvious over the references as cited.

**Conclusion**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 09/678,328  
Amendment dated August 8, 2005  
After Final Office Action of April 8, 2005

Docket No.: 0905-0247P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: August 8, 2005

Respectfully submitted,

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